

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,
v.
Case Number 18-20495
Honorable David M. Lawson

IBRAHEEM IZZY MUSAIBLI,

Defendant.

/

**ORDER REGARDING MOTIONS IN LIMINE
AND OTHER PRETRIAL MATTERS**

On December 21, 2022, the Court held a final pretrial conference in this matter. During the same proceeding the Court also heard oral argument on several motions *in limine* filed by the parties in advance of trial. During the hearing, the Court announced from the bench its rulings on the questions presented by the motions. The Court also discussed with the parties its directives for the submission of trial preparatory materials.

Accordingly, it is **ORDERED** that the defendant's motion to exclude certain government exhibits (ECF No. 249) is **GRANTED IN PART AND DENIED IN PART** for the reasons stated on the record. The requests to exclude a certain video recording of the defendant in which he makes statements relating to his participation in jihad and the transcript of the video; and the photographs of Abu Bakr al-Baghdadi and Anwar al-Awlaki in traditional Muslim garb are **DENIED**. The photographs of James Foley and Muath Safi Yousef al-Kasasbeh shall be **EXCLUDED**. The 30-second clip from a military video of an airstrike on an ISIS building in Mosul, Iraq shall be **EXCLUDED**. The request to exclude Issues 7 through 11 of Dabiq magazine is **DENIED** without prejudice, subject to the assertion at trial of any appropriate contemporaneous objection on grounds other than those raised in the defendant's motion *in limine*.

It is further **ORDERED** that the government's motion to preclude presentation of a duress defense (ECF No. 247) is **DENIED** for the reasons stated on the record. The defendant will be permitted to discuss the duress defense in his opening statement, and the Court will address arguments regarding jury instructions and the sufficiency of the evidence at the appropriate times during the trial proceedings.

It is further **ORDERED** that the government's motion to preclude presentation of evidence relating to the defendant's withdrawal from the conspiracy (ECF No. 248) is **DENIED** as moot for the reasons stated on the record.

It is further **ORDERED** that, **on or before January 3, 2023**, the parties shall submit to the Court in chambers all of the following in both printed and electronic (i.e., the latest version of Word) form: (1) proposed *voir dire* questions, (2) joint proposed jury instructions, (3) separate witness lists, including for each witness indications of whether the witness will present lay or expert testimony and the estimated time for the testimony on direct examination, and (4) separate exhibit lists on the form attached to this order. The submissions in electronic form shall be sent to the Court's case manager via e-mail to susan_pinkowski@mied.uscourts.gov and **need not be e-filed**. If the parties want to submit trial briefs, then those must be e-filed by the same date.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: December 21, 2022

**PLAINTIFF'S EXHIBITS
DEFENDANT'S EXHIBITS**